

REMARKS

In accordance with the foregoing, claims 1, 4, 25, 27, 31 and 32 have been amended and claims 20 and 21 have been cancelled without prejudice or disclaimer. No new matter is being presented. Therefore, claims 1, 4-19, 22-25 and 27-32 are pending and reconsideration is respectfully requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because rejected claims 20 and 21 have been canceled, thus, reducing the number of issues for appeal and because it is believed that the amendments of claims 1, 4, 25, 27, 31 and 32 place this application into condition for allowance and are within the scope of the application such that further search by the Examiner is deemed to be unnecessary.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 4-13, 15-24, and 31-32 are rejected under 35 U.S.C. §102(e) as being anticipated by Kondo et al (U.S. Patent 6,930,977). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that claim 1 recites a read-only optical information storage medium comprising a burst cutting area, a lead-in area, a user data area, and a lead-out area, in which data is recorded in a form of pits. According to the claim, a pattern comprising a sequence of the pits is repeated in an area of the burst cutting area. This subject matter is not shown in the reference to Kondo.

Kondo, which is directed to providing an optical information recording medium that can record and reproduce a main recording signal and an address signal without interference between the two, discloses that the medium is formed with sinusoidally deflected grooves and

with address pits scattered and/or allocated according to the sinusoidal pattern between the grooves. Further, unlike the claimed invention, Kondo fails to, by itself, disclose a burst cutting area (BCA).

Observing this defect, the Examiner notes that Kondo incorporates the subject matter of US Patent No. 5,617,408 (the Nishizawa reference, hereinafter referred to as the '408 patent), which appears to disclose a BCA.

In response, applicants respectfully assert that the '408 patent does not disclose repeating a pattern comprising a sequence of pits in an area of the BCA. Rather, the '408 patent merely discloses an unused area 31, which is devoid of pits, in which information is recorded so that the unused area 31 constitutes a key information recording area. Here, even if it is assumed that the recording of the information in the unused area 31 results in a situation where the unused area 31 includes a sequence of pits, there is no disclosure, at any point in the '408 patent, that such a sequence of pits would be repeated as claimed.

Thus, applicants respectfully assert that claim 1 is patentably distinguished from the reference to Kondo (and the '408 patent incorporated therein). Therefore, the rejection of claim 1 is traversed.

Regarding the rejections of claims 4-13 and 15-24, it is noted that these claims either have been cancelled or depend from claim 1 and that, therefore, the rejections of these claims are moot or traversed for at least the reasons set forth above.

Regarding the rejections of claims 31 and 32, it is noted that claims 31 and 32 recite substantially similar subject matter as claim 1 and that, therefore, the rejections of claims 31 and 32 are traversed.

REJECTIONS UNDER 35 U.S.C. §103:

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al (U.S. Patent 6,930,977) as applied to claims 1, 4-13, 15-24, and 31-32 above, and further in view of Nagaswara et al (U.S. Patent 6,069,869). Claim 25 and 27-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al (U.S. Patent 6,930,977) and in further view of Kondo (U.S. Patent Publication 2003/0053404). However, since the rejected claims either recite similar features as claim 1 or depend from a claim that recites similar features as claim 1, and since the additionally cited references do not cure the defects of Kondo, as discussed above, these rejections are traversed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: _____

5/2/07

By: _____



Howard I. Levy
Registration No. 55,378

1400 Eye Street, NW
Suite 300
Washington, DC 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510